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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,421	08/19/2003	Clifton W. Laney	P17352	4529

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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/643,421	Applicant(s) LANEY ET AL.	
	Examiner Kieu D. Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 12, 18, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3, 12, 18, and 26, the term “may” in line 1 of the claims render the claims vague and indefinite since the scope of the claims is not defined.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 6, 8-11, 13-16, 19, and 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Takase et al (“Takase”, US 6,504,534).

Regarding claims 1, 16, and 24, Takase teaches a method and apparatus comprising: determining that a display unit is to be in an off state (no input signal is received from the external input device for a prescribed period of time) (col. 5, lines 7-19, lines 40-46); and arranging for an opaque graphical user interface window to be

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created in response to the determination (homogeneous black picture image is created and displayed) (see col. 2, lines 8-16) (col. 10, lines 38-48).

Regarding claims 2, 11, 17, and 25, Takase teaches wherein the opaque window occupies substantially all of a graphical user interface area (screen saver occupies substantially screen area) (col. 6, lines 1-9).

Regarding claims 4, 13, and 19, Takase teaches wherein the off state is associated with a system's low-power state (col. 3, lines 16-25).

Regarding claim 6, Takase teaches the method of claim 1, wherein said determining is based on a period of relative inactivity (no input signal is received from the external input device for a prescribed period of time) (col. 5, lines 7-19, lines 40-46).

Regarding claims 8, 15, and 22, Takase teaches wherein the display unit is associated with at least one of: (i) a desktop personal computer; (ii) a mobile system, (iii) a workstation, (iv) a server, (v) a set top box, and (vi) a game system (see Fig. 7).

Regarding claims 9 and 23, Takase teaches wherein at least one of said determining and said arranging is associated with at least one of: (i) a software application, (ii) a hardware device, (iii) an operating system, (iv) a driver, and (v) a basic input/output system (col. 3, lines 16-25, lines 38-50).

Regarding claim 10, Takase teaches an apparatus, comprising: an input to receive an indication that a display unit is to be in an off state (no input signal is received from the external input device for a prescribed period of time) (col. 5, lines 7-19, lines 40-46); and a device to arrange for an opaque graphical user interface

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window to be created in response to the indication (homogeneous black picture image is created and displayed) (see col. 2, lines 8-16) (col. 10, lines 38-48) (Fig. 6-7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takase and Gerszberg et al ("Gerszberg", US 6,084,583).

Regarding claims 7, 14, and 21, Takase does not teach determining that the display unit is to be in an on state and arranging for the opaque window to be removed. However, such feature is known in the art as taught by Gerszberg. In the same field of creating an opaque window (black screen) upon detecting inactivity in order to prevent burnout of a display (col. 1, lines 4-6, col. 8, lines 49-51). Gerszberg further teaches that determining that the display unit is to be in an on state and arranging for the opaque window to be removed (if activity is detected, the black screen is removed and user screen is displayed) (col. 8, lines 61-65). It would have been obvious to one of ordinary skill in the art, having the teaching of Takase and Gerszberg before him at the time the invention was made, to modify the system for displaying an opaque window (black screen) upon detecting inactivity taught by Takase to include removing the opaque window upon detecting activity taught by Gerszberg

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with the motivation being to enable Takase's system to display user's screen so that the user can easily and quickly resume his/her activity on the screen.

7. Claims 3, 12, 18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takase and Seroussi et al ("Seroussi", US 20030005193).

Regarding claims 3, 12, 18, and 26, Takase does not teach wherein a plurality of windows may co-exist in the graphical user interface and the opaque window is created such that it would be displayed on top of other windows. However, such feature is known in the art as taught by Seroussi. Seroussi teaches a security system wherein a screen saver is displayed on top of other windows (the screen saver covers any material on the display, [0022]). It would have been obvious to one of ordinary skill in the art, having the teaching of Takase and Seroussi before him at the time the invention was made, to modify the system for displaying an opaque window (black screen) upon detecting inactivity taught by Takase to include having a screen saver cover any material on the display taught by Seroussi with the motivation being to secure displayed information in order to enhance the system security.

8. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takase and Kusanagi et al ("Kusanagi", US 6,961,034).

Regarding claims 5 and 20, Takase does not teach wherein said determining comprises: receiving from a user a request to turn off the display unit. However, such feature is known in the art as taught by Kusanagi. Kusanagi teaches a display device for preventing an occurrence of afterimage, the device further comprises detecting user's request to turn off the display unit (col. 7, lines 1-6). It would have been obvious

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to one of ordinary skill in the art, having the teaching of Takase and Kusanagi before him at the time the invention was made, to modify the system for displaying an opaque window (black screen) upon detecting inactivity taught by Takase to include detecting user's request to turn off the display unit taught by Kusanagi with the motivation being to provide the user with the ability to control the display of opaque window (black window).

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach creating and displaying screen saver which relates to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kieu D. Vu', is written over the printed name.

Kieu D. Vu

Primary Examiner